

**Permitting & Assistance Branch Staff Report**  
Modified Solid Waste Facilities Permit for the  
Sycamore Landfill  
SWIS No. 37-AA-0023  
September 5, 2017

**Background Information, Analysis, and Findings**

This report was developed in response to the City of San Diego Development Services Department Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Sycamore Landfill, SWIS No. 37-AA-0023, located in City of San Diego and owned and operated by Sycamore Landfill, Incorporated. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed SWFP was initially received on May 12, 2017. New proposed SWFPs were received on June 7, 2017 and August 29, 2017. On July 7, 2017, the operator requested a 60-day waiver of the timelines to September 4, 2017. On July 7, 2017, the LEA accepted the timeline waiver and sent the approved request to CalRecycle. On August 29, 2017, the operator submitted an additional 30-day waiver of the timelines to September 29, 2017. On August 29, 2017, the LEA accepted the timeline waiver and sent the approved request to CalRecycle. However, since the LEA submitted a new proposed SWFP to CalRecycle on August 29, 2017, action must be taken on this proposed SWFP no later than October 28, 2017. If no action is taken by October 28, 2017, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2015)	Proposed Permit
Permitted Hours of Operation	Monday – Friday 6:00 AM to 4:30 PM Saturday – Sunday 6:00 AM to 3:00 PM	Monday – Friday Tipping 6:00 AM to 4:30 PM Saturday – Sunday Tipping 6:00 AM to 3:00 PM Monday – Friday Scale House 4:00 AM to 4:30 PM Saturday – Sunday Scale House 4:00 AM to 3:00 PM Ancillary Operations 24 Hours

Other Changes include:

1. Updates to the following sections of the SWFP: "Findings," documents that describe and/or restrict the operation of the facility, and "LEA Conditions,"

including the rewording and/or deletions for the purpose of updating and/or clarifying operational requirements; and

2. Incorporate the updated Joint Technical Document (JTD).

### **Key Issues**

The permit modification will allow traffic into the facility before 6:00 a.m. The current permit does not include a breakdown of the hours for the specific operational activities, including tipping hours, scale house and vehicle access hours, and ancillary hours. However, the current permit's supporting JTD, dated February 2015, describes that the site can operate up to 24 hours a day, seven days per week, and the actual hours of operation would be set by the Landfill General Manager. The unloading/tipping hours will remain the same, but the vehicle access hours will be included on the permit along with the ancillary hours (which are described in the JTD). Vehicles will weigh in at the scale house and queue on the road near the active face to minimize the potential for vehicles queuing on a public street. Consistent with existing operations, no loads will be tipped at the active face before 6:00 a.m.

### **Background**

Sycamore Landfill, Incorporated (SLI) occupies a 603-acre tract located in a dry canyon north of Santee, known as Little Sycamore Canyon. The originally permitted 491-acre site was owned by the County of San Diego from 1962 to 1997. The County operated the landfill from 1962 until 1982. A private contractor was hired by the County to operate the site from 1982 until 1997. In 1997, SLI purchased the property and business of Sycamore Landfill as part of its purchase of all solid waste assets of the County of San Diego pursuant to a public competitive bid process. Municipal solid waste from residential, commercial and industrial sources is received, placed in the landfill, and covered on a daily basis with soil or an approved alternative daily cover (ADC).

### **Findings**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 12, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 12, 2015 and updated on May 12, 2017. The LEA provided a copy to the Department on May 12, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 29, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated June 26, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in an email dated September 1, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action consistent with State Minimum Standards as described in an email dated September 1, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated September 5, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated September 5, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found one violation of 27 CCR 20921 during an inspection conducted on April 26, 2017. See Compliance History section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 12, 2017, that the proposed permit is consistent with and supported	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	by the existing CEQA documentation. See Environmental Analysis section below for details.	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Notice was posted by the LEA on March 14, 2017. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on April 26, 2017 and found that the facility was in violation of 27 CCR 20921 – Gas Monitoring and Control. The LEA verified the landfill gas violation noted on April 26, 2017 was corrected and the facility was in compliance with all State Minimum Standards on their monthly inspection report dated, July 26, 2017.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (February) – One violation of 27 CCR Section 20820 – Drainage and Erosion Control; (March – May) – Three violations of 27 CCR Section 20921 – Gas Monitoring and Control.
- 2016 – Two violations of PRC 44014(b) – Operator Complies with Terms & Conditions; One violation of 27 CCR Section 20921 – Gas Monitoring and Control; and One violation of 27 CCR Section 20820 – Drainage and Erosion Control.
- 2015 – One violation of 27 CCR Section 20921 – Gas Monitoring and Control.
- 2014 – One violation of 27 CCR Section 20921 – Gas Monitoring and Control.
- 2013 – No violations noted.
- 2012 – Six violations of 27 CCR Section 20921 – Gas Monitoring and Control.

All violations were corrected to the satisfaction of the LEA.

### **Environmental Analysis**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of San Diego Development Services Department, acting as Lead Agency, absent

changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: allow traffic into the facility and weigh in at the scale house before 6:00 a.m., and ancillary hours of 24 hours. Traffic will queue inside of the landfill, but no tipping of loads will occur before 6:00 a.m. There will be no changes to the operating days, permitted area, or daily tonnage. These changes are supported by the following environmental documents:

A Revised Draft Environmental Impact Report – Master Development Plan (EIR), SCH 2003041057 was circulated for a 45-day comment period from May 11, 2012 to June 25, 2012. The Final EIR, together with the Mitigation Monitoring and Report Program and Statement of Overriding Considerations, was certified by the City of San Diego City Council on September 17, 2012. The approved project included 24 hour operations to provide for more efficient and flexible landfill activities for waste disposal and processing operations to minimize facility related traffic effects during peak hours. The EIR analyzed for the existing operations, and for the facility to operate 24 hours a day. Although the environmental document sufficiently describes the continued operation of the facility and 24 hour operations, the proposed permit modification will only allow traffic to enter into the facility and weigh in at the scale house before 6:00 a.m. and allow ancillary hours of 24 hours. Traffic will be allowed to queue inside the landfill, but not tip their loads before 6:00 a.m. There will be no changes in the design of the landfill and no increase in permitted daily tonnage, acreage or vehicle count.

The City of San Diego County Development Services Department (LEA) has made a finding that the proposed modified SWFP is consistent with and supported by the cited environmental documentation.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the EIR is adequate for the Branch Chief's approval of the proposed project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the EIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office,

Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice on March 14, 2017, in the City of San Diego. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 16, 2017, June 20, 2017, July 18, 2017 and August 15, 2017. No comments have been received by Department staff.